



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



383633

DEC 22 2010

REPLY TO THE ATTENTION OF.

Patterson Chemicals Site

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Patterson Chemicals, Inc.
c/o Glenn R. Matecun
The Kizer Law Firm, P.C.
207 N. Michigan Avenue
Suite 202
Howell, MI 48843

Re: Patterson Chemicals Site
Detroit, Wayne County, Michigan

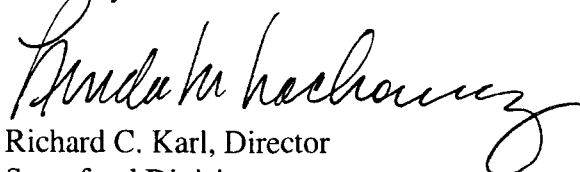
Dear Sir or Madam:

Enclosed please find a unilateral Administrative Order issued by the U.S. Environmental Protection Agency under Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), 42 U.S.C. § 9601, et seq.

Please note that the Order allows an opportunity for a conference if requested within three (3) business days after issuance of the Order, or if no conference is requested, an opportunity to submit comments within seven (7) business days of issuance of the Order.

If you have any questions regarding the Order, feel free to contact Larry Johnson, Associate Regional Counsel, at (312) 886-6609 or Partap Lall, On-Scene Coordinator, at (734) 692-7685.

Sincerely,



Richard C. Karl, Director
for Superfund Division

Enclosure

cc: Mr. Alan Howard, Chief
Environmental Response Division
Michigan Department of Natural Resources

Respondent to
Patterson Chemicals
Unilateral Administrative Order

Patterson Chemicals, Inc.
c/o Glenn R. Matecun
The Kizer Law Firm, P.C.
207 N. Michigan Avenue
Suite 202
Howell, MI 48843

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 5

IN THE MATTER OF:)	Docket No. V-W-10-C-962
)	
Patterson Chemicals Site)	ADMINISTRATIVE ORDER
Detroit, Wayne County, Michigan)	PURSUANT TO SECTION 106(a)
)	OF THE COMPREHENSIVE
)	ENVIRONMENTAL RESPONSE,
Respondent:)	COMPENSATION, AND
)	LIABILITY ACT OF 1980,
Patterson Laboratories, Inc.)	AS AMENDED, 42 U.S.C.
)	§ 9606(a)
)	

I. JURISDICTION AND GENERAL PROVISIONS

This Order is issued pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. § 9606(a), and delegated to the Administrator of the United States Environmental Protection Agency (EPA) by Executive Order No. 12580, January 23, 1987, 52 Federal Register 2923, and further delegated to the Regional Administrators by EPA Delegation Nos. 14-14-A and 14-14-B, and to the Director, Superfund Division, Region 5, by Regional Delegation Nos. 14-14-A and 14-14-B.

This Order pertains to property located at 11930 Pleasant Street in Detroit, Michigan, referred to herein as the "Patterson Chemicals Site" or the "Site". This Order requires the Respondent to conduct removal activities described herein to abate an imminent and substantial endangerment to the public health, welfare or the environment that may be presented by the actual or threatened release of hazardous substances at or from the Site.

EPA has notified the State of Michigan (State), of this action pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

II. PARTIES BOUND

This Order applies to and is binding upon Respondent and Respondent's heirs, receivers, trustees, successors and assigns. Any change in ownership or corporate status of Respondent including, but not limited to, any transfer of assets or real or personal property shall not alter such Respondent's responsibilities under this Order.

Respondent shall ensure that its contractors, subcontractors, and representatives comply with this

Order. Respondent shall be responsible for any noncompliance.

III. FINDINGS OF FACT

Based on available information, including the Administrative Record in this matter, EPA hereby finds that:

1. The current owner of the Site is Patterson Laboratories, Inc. ("Patterson Laboratories"). The Site was purchased by Patterson Laboratories on January 2, 1985. Joon S. Moon is the Chairman of Patterson Laboratories.
2. The Site was previously operated by Patterson Laboratories, and subsequently West Win, Ltd. and South Win, Ltd. The Site consists of three primary buildings; 25 exterior above ground storage tanks (ASTs), and eight interior ASTs. The Site is bordered on the south by Pleasant Street and residential properties, and on the west, north, and east by industrial sites. The residences are located across the street and approximately 100 feet from the Site. According to the Detroit Fire Department (DFD), the Site buildings have been vacant for at least two years.
3. Patterson Laboratories, West Win and South Win were chemical formulation companies. Several products were manufactured at the Site, including antifreeze, hydraulic fluids, windshield washer fluid, bleach, fabric rinse, dish and laundry detergents, window cleaners and household ammonia. Building 3 was used to manufacture plastic containers for the products manufactured in the other two buildings.
4. On March 26, 2010, the National Response Center (NRC) received a report from an anonymous caller who stated that liquid was leaking from one of the Site buildings, and that a "rotten egg" odor was present in the vicinity of the Site building. The City of Detroit Water and Sewerage Department (DWSD) conducted an investigation of the building. DWSD determined that the leak was coming from a standing pipe inside of the building and was able to plug the pipe and stop the leak. The DWSD documented hydrogen sulfide (H₂S) readings of 1 to 2 parts per million (ppm) outside of the building.
5. The DFD contacted EPA Region 5 to conduct an assessment of the Site. On March 29, 2010, EPA mobilized to the Site. EPA observed that while the Site is enclosed by a chain-link fence, the entry points to the Site through two gates were unlocked. Evidence of unauthorized access including trash dumping and vandalism were observed.
6. On May 10, 2010, EPA remobilized to continue the assessment of the Site. Building 1 was found to contain 27 drums and containers ranging in size from 5 to 55 gallons, and at least 40 small containers, ranging in size from 20 ounces to 1 gallon. A number of the drums were open or had damaged bung holes. Evidence that the drums had leaked was observed by staining on the floor and the existence of puddles of unknown liquid.

Building 1 also was found to contain a small laboratory room that contains numerous laboratory chemicals.

7. Building 2 is the largest Site building. The building was found to contain 30 drums, ranging in size from 5 to 55 gallons, eight ASTs, and the single standing pipe which had been plugged by DWSD. There was a large area of standing water measuring approximately 20 x 10 feet. Areas of the building showed structural damage and there was a large hole in the roof. Building 2 also contained a lab with small containers of miscellaneous laboratory chemicals.
8. Building 3 is a large building north of Building 2. A dark brown liquid was observed draining into a floor drain of a truck well and an area, measuring approximately 10 x 15 feet where standing oil was located near two pieces of heavy machinery. At a distance of one to two inches from the opening of the standing pipe in Building 2 the levels of H₂S reached a level of 70 ppm.
9. The results of samples taken during the site assessment showed total sulfide levels of 140 milligrams/liter (mg/L) and 4.9 mg/L (characteristic of reactivity). The total sulfides in the water samples presumably are the source of the H₂S gas readings detected at the standing well pipe inside Building 2. Ignitable and caustic materials were found in each of the three buildings. Samples taken during the site assessment exhibit the characteristic of ignitibility (i.e., ignitable under 140°F) given that each has a flashpoint of 65°F, 60°F, and 65°F, respectively. Two samples taken exhibit the characteristic of corrosivity pH ≤ 2 or ≥ 12.5 standard units (SU) given that each has a pH of 1.9 and 13 SU, respectively. The ASTs located both in the inside of the buildings and outside were wrapped in material that is suspected to be asbestos.

IV. CONCLUSIONS OF LAW AND DETERMINATIONS

Based on the Findings of Fact set forth above, and the Administrative Record supporting these removal actions, EPA determines that:

1. The Patterson Chemicals Site is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).
2. Hydrogen sulfide (H₂S), flammable substances, caustic substances, and asbestos are "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).
3. The Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
4. Respondent Patterson Laboratories is the present "owner" and/or "operator" of the Patterson

Chemicals Site, as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20). Respondent is therefore a potentially liable person under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

5. The conditions described in the Findings of Fact above constitute an actual or threatened "release" into the "environment" as defined by Sections 101(8) and (22) of CERCLA, 42 U.S.C. §§ 9601(8) and (22).

6. The conditions present at the Site constitute a threat to public health, welfare, or the environment based upon the factors set forth in Section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan, as amended (NCP), 40 CFR Part 300. These factors include, but are not limited to, the following:

- a. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, pollutants or contaminants; this factor is present at the Site due to the presence of H₂S. At a distance of one to two inches from the opening of the standing pipe in Building 2 the levels of H₂S reached a level of 70 ppm. The analytical results for the liquid samples collected from the standing pipe and the pool of standing water indicated total sulfides in the water of 140 mg/L and 4.9 mg/L. Given that the analytical results for both samples contained detectable levels of total sulfides, the water originating from the standing pipe and the pool of standing water could potentially expose nearby populations or trespassers to hazardous levels of H₂S gas. Site access is unrestricted due to a lack of secured fencing. A residential neighborhood is located immediately south of the Site, and Weston START documented evidence of trespassing during the Site assessment. The presence of potentially hazardous and other unknown wastes poses a threat to nearby residents and trespassers due to the potential for off-site migration of contaminants and through direct contact exposure.
- b. Actual or potential contamination of drinking water supplies or sensitive ecosystems; this factor is present at the Site due to the presence of drums and aboveground storage tanks with no secondary containment inside buildings and on the exterior grounds. Information implied by the respondent indicates that the material in these drum and trailer may be caustic and flammable. The valves have been rusted shut. Sensitive ecosystems could be negatively impacted if the hazardous substances were to migrate to nearby storm sewers or drain systems.
- c. Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release; this factor is present at the Site due to the presence of numerous containers of laboratory chemicals in a small room of Building 1, some of which were found to be flammable through laboratory analysis, as well as caustic and corrosive substances in Building 2. Unrestricted Site access could result in trespassers causing accidental or intentional releases of the chemicals stored within these containers, and/or chemical reactions that could result in the release of toxic gases. The close proximity of the Site to residences greatly increases potential threats to human health and environment if a release occurs.

- d. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released; this factor is present at the Site due to the location of the Site in Southeast Michigan. Southeast Michigan receives a substantial amount of precipitation during the spring and summer. Weather conditions will continue to contribute to the deterioration of drums and containers on the exterior grounds of the Site, as well as to the deterioration of drums and containers located in the Site buildings, given the structurally unsound nature of some of the Site buildings. There may be friable asbestos-containing building materials on the ASTs within the Site buildings that may continue to deteriorate due to weather conditions, potentially causing asbestos releases.
 - e. Threat of fire or explosion; this factor is present at the Site due to the unrestricted access and potential trespassing at the site. Even though all electrical power and natural gas have been shut off at the Site, the threat of fire or explosion is moderate due to the unsecured status of the Site. A fire could produce toxic gases, irritants, acidic or caustic smoke, and contaminated fire-water runoff.
7. The actual or threatened release of hazardous substances from the Site may present an imminent and substantial endangerment to the public health, welfare, or the environment within the meaning of Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).
8. The removal actions required by this Order are necessary to protect the public health, welfare, or the environment, and are consistent with the NCP and CERCLA.

V. ORDER

Based upon the foregoing Findings of Fact, Conclusions of Law, Determinations, and the Administrative Record for this Site, EPA hereby orders that Respondent performs the following actions:

1. **Notice of Intent to Comply**

Respondent shall notify EPA in writing within 3 business days after the effective date of this Order of Respondent's unequivocal intent to comply with this Order. Failure of Respondent to provide such notification within this time period shall be a violation of this Order.

2. **Designation of Contractor, Project Coordinator, and On-Scene Coordinator**

Respondent shall perform the removal actions themselves or retain a contractor to implement the removal actions. Respondent shall notify EPA of Respondent's qualifications or the name and qualifications of such contractor, whichever is applicable, within 5 business days of the effective date of this Order. Respondent shall also notify EPA of the name and qualifications of any other contractors or subcontractors retained to perform work under this Order at least 5 business days

prior to commencement of such work. EPA retains the right to disapprove of the Respondent or any of the contractors and/or subcontractors retained by the Respondent. If EPA disapproves a selected contractor, Respondent shall retain a different contractor within 2 business days following EPA's disapproval and shall notify EPA of that contractor's name and qualifications within 3 business days of EPA's disapproval.

The contractor retained by the Respondent must demonstrate compliance with American National Standards Institute/American Society for Quality Control (ANSI/ASQC) E-4-2004, "Specifications and Guidelines for Quality Systems for Environmental Data Collection and Environmental Technology Programs" (American National Standard, January 5, 1995), by submitting a copy of the proposed contractors' Quality Management Plan (QMP). The QMP should be prepared in accordance with "EPA Requirements for Quality Management Plans (QA/R-2)" (EPA/240/B-01/002), or equivalent documentation as required by EPA. Any decision not to require submission of the contractor's QMP should be documented in a memorandum from the OSC and Regional quality assurance personnel to the Site file.

Within 5 business days after the effective date of this Order, the Respondent shall designate a Project Coordinator who shall be responsible for administration of all the Respondent's actions required by the Order and submit the designated coordinator's name, address, telephone number, and qualifications to EPA. To the greatest extent possible, the Project Coordinator shall be present on-Site or readily available during Site work. EPA retains the right to disapprove of any Project Coordinator named by the Respondent. If EPA disapproves a selected Project Coordinator, Respondent shall retain a different Project Coordinator within 3 business days following EPA's disapproval and shall notify EPA of that person's name and qualifications within 4 business days of EPA's disapproval. Receipt by Respondent's Project Coordinator of any notice or communication from EPA relating to this Order shall constitute receipt by Respondent.

The EPA has designated P.C. Lall of the Emergency Response Branch, Region 5, as its On-Scene Coordinator (OSC). Respondent shall direct all submissions required by this Order to the OSC at 9311 Groh Road, SE-GI, Grosse Ile, Michigan, 48138, by certified or express mail. Respondent shall also send a copy of all submissions to Larry Johnson, Associate Regional Counsel, 77 West Jackson Boulevard, C-14J, Chicago, Illinois, 60604-3590. Respondent is encouraged to make its submissions to EPA on recycled paper (which includes significant post-consumer waste paper content where possible) and using two-sided copies.

3. Work to Be Performed

Respondent shall perform, at a minimum, the following response activities:

- a. Develop and implement a Site safety and health plan and a Site security plan;
- b. Secure the Site grounds from unauthorized access;
- c. Secure, sample, characterize, package and dispose of all hazardous materials and

wastes in various containers, tanks, bags and on the floors in accordance with federal and state regulations and EPA's off site rule;

- d. Evaluate all tanks and structures for potential asbestos containing materials and if found, contain, remove and dispose of all asbestos containing materials;
- e. Remove and dispose of all contaminated media;
- f. Properly cap the sulfur well on Site; and
- g. Conduct an extent of contamination sampling and confirmatory sampling to establish the completion of removal action.

3.1 Work Plan and Implementation

Within 10 business days after the effective date of this Order, the Respondent shall submit to EPA for approval a Work Plan for performing the removal activities set forth above. The Work Plan shall provide a description of, and an expeditious schedule for, the activities required by this Order. The Work Plan shall include a Quality Assurance Project Plan (QAPP). The following documents shall be used for the development of QAPPs for Region 5 Superfund sites:

- The Uniform Federal Policy for Quality Assurance Projects Plans (UFP-QAPP), OSWER Directive 9272.0-17; the QAPP format can be found at <http://www.epa.gov/fedfac/documents/qualityassurance.htm>;
- EPA Requirements for Quality Assurance Project Plans EPA QA/R-5, March 2001, Reissued May 2006;

The following guidance may be used in conjunction with the requirements above:

- Guidance for the Quality Assurance Project Plans EPA QA/G-5, December 2002.
- Guidance on Choosing a Sampling Design for Environmental Data Collection EPA QA/G-5S, December 2002.

EPA may approve, disapprove, require revisions to, or modify the Work Plan. If EPA requires revisions, Respondent shall submit a revised Work Plan within 7 business days of notification. Respondent shall implement the Work Plan as finally approved in writing by EPA in accordance with the schedule approved by EPA. Once approved, or approved with modifications, the Work Plan, the schedule, and any subsequent modifications shall be fully enforceable under this Order. Respondent shall notify EPA at least 48 hours prior to performing any on-Site work pursuant to the EPA approved Work Plan.

Respondent shall not commence or undertake any removal actions at the Site without prior EPA approval.

3.2 Health and Safety Plan

Within 10 business days after the effective date of this Order, the Respondent shall submit a plan for EPA review and comment that ensures the protection of the public health and safety during performance of on-Site work under this Order. This plan shall comply with applicable Occupational Safety and Health Administration (OSHA) regulations found at 29 CFR Part 1910.

If EPA determines it is appropriate, the plan shall also include contingency planning. Respondent shall incorporate all changes to the plan recommended by EPA, and implement the plan during the pendency of the removal action.

3.3 Quality Assurance and Sampling

All sampling and analyses performed pursuant to this Order shall conform to EPA direction, approval, and guidance regarding sampling, quality assurance/quality control (QA/QC), data validation, and chain of custody procedures. Respondent shall ensure that the laboratory used to perform the analyses participates in a QA/QC program that complies with the appropriate EPA guidance. Respondent shall follow, as appropriate, "Quality Assurance/Quality Control Guidance for Removal Activities: Sampling QA/QC Plan and Data Validation Procedures" (OSWER Directive No. 9360.4-01, April 1, 1990), as guidance for QA/QC and sampling. Respondent shall only use laboratories that have a documented Quality System that complies with ANSI/ASQC E-4 2004, "Specifications and Guidelines for Quality Systems for Environmental Data Collection and Environmental Technology Programs" (American National Standard, January 5, 1995), and "EPA Requirements for Quality Management Plans (QA/R-2) (EPA/240/B-01/002, March 2001, Reissued May 2006)," or equivalent documentation as determined by EPA. EPA may consider laboratories accredited under the National Environmental Laboratory Accreditation Program (NELAP) as meeting the Quality System requirements.

Upon request by EPA, Respondent shall have such a laboratory analyze samples submitted by EPA for quality assurance monitoring. Respondent shall provide to EPA the QA/QC procedures followed by all sampling teams and laboratories performing data collection and/or analysis. Respondent shall also ensure provision of analytical tracking information consistent with OSWER Directive No. 9240.0-2B, "Extending the Tracking of Analytical Services to PRP-Lead Superfund Sites."

Upon request by EPA, Respondent shall allow EPA or its authorized representatives to take split and/or duplicate samples of any samples collected by Respondent or its contractors or agents while performing work under this Order. Respondent shall notify EPA not less than 3 business days in advance of any sample collection activity. EPA shall have the right to take any additional samples that it deems necessary.

3.4 Reporting

Respondent shall submit a monthly written progress report to EPA concerning activities

undertaken pursuant to this Order, beginning 30 calendar days after the date of EPA's approval of the Work Plan, until termination of this Order, unless otherwise directed by the OSC. These reports shall describe all significant developments during the preceding period, including the work performed and any problems encountered, analytical data received during the reporting period, and developments anticipated during the next reporting period, including a schedule of work to be performed, anticipated problems, and planned resolutions of past or anticipated problems.

Any Respondent that owns any portion of the Site, and any successor in title shall, at least 30 days prior to the conveyance of any interest in real property at the Site, give written notice of this Order to the transferee and written notice of the proposed conveyance to EPA and the State. The notice to EPA and the State shall include the name and address of the transferee. The party conveying such an interest shall require that the transferee will provide access as described in Section V.4 (Access to Property and Information).

3.5 Final Report

Within 60 calendar days after completion of all removal actions required under this Order, the Respondent shall submit for EPA review a final report summarizing the actions taken to comply with this Order. The final report shall conform to the requirements set forth in Section 300.165 of the NCP. The final report shall also include a good faith estimate of total costs incurred in complying with the Order, a listing of quantities and types of materials removed, a discussion of removal and disposal options considered for those materials, a listing of the ultimate destinations of those materials, a presentation of the analytical results of all sampling and analyses performed, and accompanying appendices containing all relevant documentation generated during the removal action (e.g., manifests, invoices, bills, contracts, and permits).

The final report shall also include the following certification signed by a person who supervised or directed the preparation of that report:

Under penalty of law, I certify that, to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation of this report, the information submitted is true, accurate, and complete.

4. Access to Property and Information

Respondent shall provide or obtain access as necessary to the Site and all appropriate off-site areas, and shall provide access to all records and documentation related to the conditions at the Site and the activities conducted pursuant to this Order. Such access shall be provided to EPA employees, contractors, agents, consultants, designees, representatives, and State of Michigan representatives. These individuals shall be permitted to move freely at the Site and appropriate off-site areas in order to conduct activities which EPA determines to be necessary. Respondent

shall submit to EPA, upon request, the results of all sampling or tests and all other data generated by Respondent or its contractors, or on the Respondent's behalf during implementation of this Order.

Where work under this Order is to be performed in areas owned by or in possession of someone other than Respondent, Respondent shall obtain all necessary access agreements within 14 calendar days after the effective date of this Order, or as otherwise specified in writing by the OSC. Respondent shall immediately notify EPA if, after using its best efforts, it is unable to obtain such agreements. Respondent shall describe in writing its efforts to obtain access. EPA may then assist Respondent in gaining access, to the extent necessary to effectuate the response activities described herein, using such means as EPA deems appropriate.

5. Record Retention, Documentation, Availability of Information

Respondent shall preserve all documents and information, in their possession or the possession their contractors, subcontractors or representatives, relating to work performed under this Order, or relating to the hazardous substances found on or released from the Site, for six years following completion of the removal actions required by this Order. At the end of this six year period and at least 60 days before any document or information is destroyed, Respondent shall notify EPA that such documents and information are available to EPA for inspection, and upon request, shall provide the originals or copies of such documents and information to EPA. In addition, Respondent shall provide documents and information retained under this Section at any time before expiration of the six year period at the written request of EPA. Any information that Respondent is required to provide or maintain pursuant to this Order is not subject to the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

6. Off-Site Shipments

All hazardous substances, pollutants or contaminants removed off-site pursuant to this Order for treatment, storage or disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by EPA, with the EPA Off-Site Rule, 40 CFR § 300.440, 58 Fed. Reg. 49215 (Sept. 22, 1993).

7. Compliance With Other Laws

All actions required pursuant to this Order shall be performed in accordance with all applicable local, state, and federal laws and regulations except as provided in Section 121(e) of CERCLA and 40 CFR § 300.415(j). In accordance with 40 CFR § 300.415(j), all on-site actions required pursuant to this Order shall, to the extent practicable, as determined by EPA, considering the exigencies of the situation, attain applicable or relevant and appropriate requirements under federal environmental or state environmental or facility siting laws.

8. Emergency Response and Notification of Releases

If any incident, or change in Site conditions, during the activities conducted pursuant to this

Order causes or threatens to cause an additional release of hazardous substances from the Site or an endangerment to the public health, welfare, or the environment, the Respondent shall immediately take all appropriate action to prevent, abate or minimize such release, or endangerment caused or threatened by the release. Respondent shall also immediately notify the OSC or, in the event of his/her unavailability, shall notify the Regional Duty Officer, Emergency Response Branch, Region 5 at (312) 353-2318, of the incident or Site conditions.

Respondent shall submit a written report to EPA within 7 business days after each release, setting forth the events that occurred and the measures taken or to be taken to mitigate any release or endangerment caused or threatened by the release and to prevent the reoccurrence of such a release. Respondent shall also comply with any other notification requirements, including those in Section 103 of CERCLA, 42 U.S.C. § 9603, and Section 304 of the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. § 11004.

VI. AUTHORITY OF THE EPA ON-SCENE COORDINATOR

The OSC shall be responsible for overseeing the implementation of this Order. The OSC shall have the authority vested in an OSC by the NCP, including the authority to halt, conduct, or direct any work required by this Order, or to direct any other response action undertaken by EPA or Respondent at the Site. Absence of the OSC from the Site shall not be cause for stoppage of work unless specifically directed by the OSC.

EPA and Respondent shall have the right to change their designated OSC or Project Coordinator. EPA shall notify the Respondent, and Respondent shall notify EPA, as early as possible before such a change is made, but in no case less than 24 hours before such a change. Notification may initially be made orally, but shall be followed promptly by written notice.

VII. PENALTIES FOR NONCOMPLIANCE

Violation of any provision of this Order may subject Respondent to civil penalties of up to \$37,500 per violation per day, as provided in Section 106(b)(1) of CERCLA, 42 U.S.C. § 9606(b)(1) and as adjusted by 69 Fed. Reg. 7121-27 (Feb. 13, 2004) (codified at 40 CFR § 19.4) pursuant to the Debt Collection Improvement Act of 1996. Respondent may also be subject to punitive damages in an amount up to three times the amount of any cost incurred by the United States as a result of such violation, as provided in Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3). Should Respondent violate this Order or any portion hereof, EPA may carry out the required actions unilaterally, pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604, and/or may seek judicial enforcement of this Order pursuant to Section 106 of CERCLA, 42 U.S.C. § 9606.

VIII. REIMBURSEMENT OF COSTS

Respondent shall reimburse EPA, upon written demand, for all response costs incurred by the United States in overseeing Respondent's implementation of the requirements of this Order. EPA may submit to Respondent on a periodic basis a bill for all response costs incurred by the United States with respect to this Order. EPA's Itemized Cost Summary, or such other summary as certified by EPA, shall serve as the basis for payment.

Respondent shall, within 30 days of receipt of the bill, remit a cashier's or certified check for the amount of those costs made payable to the "Hazardous Substance Superfund," to the following address:

U.S. Environmental Protection Agency
Superfund Payments
Cincinnati Finance Center
P.O. Box 979076
St. Louis, Missouri 63197-9000

Respondent shall simultaneously transmit a copy of the check to the Director, Superfund Division, EPA Region 5, 77 West Jackson Blvd., Chicago, Illinois, 60604-3590. Payments shall be designated as "Response Costs – Patterson Chemicals Site" and shall reference the payer's name and address, the EPA site identification number B5XJ, and the docket number of this Order.

Interest at a rate established by the Department of the Treasury pursuant to 31 U.S.C. § 3717 and 4 CFR § 102.13 shall begin to accrue on the unpaid balance from the day after the expiration of the 30 day period notwithstanding any dispute or an objection to any portion of the costs.

IX. RESERVATION OF RIGHTS

Nothing herein shall limit the power and authority of EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants or contaminants, or hazardous or solid waste on, at, or from the Site. Further, nothing herein shall prevent EPA from seeking legal or equitable relief to enforce the terms of this Order. EPA also reserves the right to take any other legal or equitable action as it deems appropriate and necessary, or to require the Respondents in the future to perform additional activities pursuant to CERCLA or any other applicable law.

X. OTHER CLAIMS

By issuance of this Order, the United States and EPA assume no liability for injuries or damages to persons or property resulting from any acts or omissions of Respondent. The United States or EPA shall not be a party or be held out as a party to any contract entered into by the Respondent

or its directors, officers, employees, agents, successors, representatives, assigns, contractors, or consultants in carrying out activities pursuant to this Order. Respondent shall bear its own costs and attorneys fees in connection with the action resolved by this Order.

This Order does not constitute a pre-authorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).

Nothing in this Order constitutes a satisfaction of or release from any claim or cause of action against the Respondent or any person not a party to this Order, for any liability such person may have under CERCLA, other statutes, or the common law, including but not limited to any claims of the United States for costs, damages and interest under Sections 106(a) or 107(a) of CERCLA, 42 U.S.C. §§ 9606(a), 9607(a).

XI. MODIFICATIONS

Modifications to any plan or schedule may be made in writing by the OSC or at the OSC's oral direction. If the OSC makes an oral modification, it will be memorialized in writing within 7 business days; however, the effective date of the modification shall be the date of the OSC's oral direction. The rest of the Order, or any other portion of the Order, may only be modified in writing by signature of the Director, Superfund Division, Region 5.

If Respondent seeks permission to deviate from any approved plan or schedule, Respondent's Project Coordinator shall submit a written request to EPA for approval outlining the proposed modification and its basis.

No informal advice, guidance, suggestion, or comment by EPA regarding reports, plans, specifications, schedules, or any other writing submitted by the Respondent shall relieve Respondent of its obligations to obtain such formal approval as may be required by this Order, and to comply with all requirements of this Order unless it is formally modified.

XII. NOTICE OF COMPLETION

After submission of the Final Report, Respondent may request that EPA provide a Notice of Completion of the work required by this Order. If EPA determines, after EPA's review of the Final Report, that all work has been fully performed in accordance with this Order, except for certain continuing obligations required by this Order (e.g., record retention), EPA will provide written notice to the Respondent. If EPA determines that any removal activities have not been completed in accordance with this Order, EPA will notify the Respondent, provide a list of the deficiencies, and require that Respondent modifies the Work Plan to correct such deficiencies. The Respondent shall implement the modified and approved Work Plan and shall submit a modified Final Report in accordance with the EPA notice. Failure to implement the approved modified Work Plan shall be a violation of this Order.

XIII. ACCESS TO ADMINISTRATIVE RECORD

The Administrative Record supporting these removal actions is available for review during normal business hours in the EPA Record Center, Region 5, 77 W. Jackson Blvd., Seventh Floor, Chicago, Illinois. Respondent may contact Larry Johnson, Associate Regional Counsel, at (312) 886-6609 to arrange to review the Administrative Record. An index of the Administrative Record is attached to this Order.

XIV. OPPORTUNITY TO CONFER

Within 3 business days after receipt of this Order, Respondent may request a conference with EPA. Any such conference shall be held within 5 business days from the date of the request, unless extended by agreement of the parties. At any conference held pursuant to the request, Respondent may appear in person or be represented by an attorney or other representative.

If a conference is held, Respondent may present any information, arguments or comments regarding this Order. Regardless of whether a conference is held, Respondent may submit any information, arguments or comments (including justifications for any assertions that the Order should be withdrawn against Respondent), in writing to EPA within 2 business days following the conference, or within 7 business days of issuance of the Order if no conference is requested. This conference is not an evidentiary hearing, does not constitute a proceeding to challenge this Order, and does not give Respondent a right to seek review of this Order. Requests for a conference shall be directed to Larry Johnson, Associate Regional Counsel, at (312) 886-6609. Written submittals shall be directed as specified in Section V.2 of this Order.

XV. SEVERABILITY



If a court issues an order that invalidates any provision of this Order or finds that Respondent has sufficient cause not to comply with one or more provisions of this Order, Respondent shall remain bound to comply with all provisions of this Order not invalidated by the court's order.

XVI. EFFECTIVE DATE

This Order shall be effective 10 business days following issuance unless a conference is requested as provided herein. If a conference is requested, this Order shall be effective 5 business days after the day of the conference.

PATTERSON CHEMICALS SITE
DETROIT, WAYNE COUNTY, MICHIGAN

IT IS SO ORDERED

BY:  DATE: 12/22/10
Richard C. Karl, Director
 Superfund Division
United States
Environmental Protection Agency
Region 5

ATTACHMENT A

INDEX TO ADMINISTRATIVE RECORD

1. Incident Report #934901 dated April 22, 2010, submitted by the National Response Center
2. Draft Site Assessment Report for the Pleasant Street Site, Detroit, Wayne County, Michigan (the Site is the former location of Patterson Laboratories, Inc.) dated June 24, 2010
3. Action Memorandum, Request for Time-Critical Removal Action at Patterson Chemicals Inc. Site, located in Detroit, Wayne County, Michigan (Spill ID #B5XJ) dated November 17, 2010

ATTACHMENT B

LIABILITY FILE INDEX

1. 2010 Title Search Report for 11930 Pleasant, Detroit MI; dated September 30, 2010
(Owner: Patterson Laboratories, Inc)
2. March 13, 2001, Lease Agreement between J.J.A.M. and South/Win Ltd.
3. Lease Extension between J.J.A.M. and South/Win Ltd. And West/Win, Ltd. Facisimile
date June 6, 2007.

Patterson Chemicals Site

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Patterson Chemicals, Inc.
c/o Glenn R. Matecun
The Kizer Law Firm, P.C.
207 N. Michigan Avenue
Suite 202
Howell, MI 48843

Re: Patterson Chemicals Site
Detroit, Wayne County, Michigan

Dear Sir or Madam:

Enclosed please find a unilateral Administrative Order issued by the U.S. Environmental Protection Agency under Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), 42 U.S.C. § 9601, et seq.

Please note that the Order allows an opportunity for a conference if requested within three (3) business days after issuance of the Order, or if no conference is requested, an opportunity to submit comments within seven (7) business days of issuance of the Order.

If you have any questions regarding the Order, feel free to contact Larry Johnson, Associate Regional Counsel, at (312) 886-6609 or Partap Lall, On-Scene Coordinator, at (734) 692-7685.

Sincerely,

Richard C. Karl, Director
Superfund Division

Enclosure

ENFORCEMENT INSTRUMENT DETAILS SIGN OFF SHEET (Completed form to Deb Potter)
SITE NAME: Patterson Chemicals Site EPA ID: B5X

CERCLA STATUTE (Circle all that apply):

104 106 107 122 Bankruptcy

SETTLEMENT/ORDER TYPE (Circle appropriate):

Referral AOC CD UAO Other _____

SETTLEMENT/ORDER DETAILS:

Is the settlement/order for response work? YES NO

IF YES: Type of response work PRP will perform _____

Estimated value of the response work PRP will perform \$ _____

Is the settlement/order for recovery of past costs? YES NO

IF YES: Value of the past costs being recovered in the settlement/order \$ _____

Action being reimbursed by the past costs in the settlement/order _____

Date of original referral if CD is part of a case for cost recovery that
was referred to the Department of Justice in the past _____

Is the settlement/order for payment of future costs (cashout)? YES NO

IF YES: Value of the future costs being paid in the settlement/order \$ _____

Action being funded by future costs in the settlement/order _____

**Does the settlement/order include a provision for all or a portion of the past or future costs to be
deposited into a Special Account? YES NO**

IF YES: Value that will be deposited into a Special Account \$ _____

Does the settlement/order include a provision for a Disbursement Account? YES NO

Does the settlement/order include disbursements from a Special Account? YES NO

IF YES: Value that will be disbursed from a Special Account \$ _____

Does the settlement/order include compensation for an orphan share offer? YES NO

IF YES: Value of the compensation due to orphan share \$ _____

Date original orphan share offer made to the PRP _____

Does the settlement/order include a provision for Ability to Pay? YES NO

Attach list of PRPs who signed or were issued the settlement/order.

Include addresses when available

Identify each as (T) Transporter, (G) Generator, (O) Owner, (P) Operator

Is the settlement/order a De Minimis settlement? YES NO

Distinguish De Minimis parties from non-De Minimis parties

Completed By (Please print): _____ Date Completed: _____

Implementation of UAO Reform Questionnaire

(form revised 2/10/04)

- § This form should be filled out for each UAO issued pursuant to CERCLA 106 (except those issued for site access only).
§ Please fill out this form **no later than two weeks** after issuance.
§ **Once completed, the form should be returned to Mike Northridge, USEPA, mail code 2272A, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460**, or through LAN mail.
§ If you have any questions regarding the questionnaire, please call Mike at (202)564-4263.

Site Name: Patterson Chemicals Site

Region: 5

Date Prepared: 10/13/10

Preparer Name: Carol Ropski Position: Enforcement Specialist Phone Number: 312/353-7647

- 1) a) Date UAO issued: _____ b) UAO Number: _____
(if available) (e.g., UA002)

- 2) Purpose of UAO (please Y appropriate box):
(Note: Do not include UAOs that are for **access** only)

Removal	RI/FS	RD/RA
x		

- 3) Number of parties receiving the UAO: 1
- 4) Number of parties receiving the UAO that were governmental (local, state or federal) entities: 0
(Note: Please provide names of any governmental parties that received the UAO)

- 5) Number of parties that did **NOT** receive the UAO: 0

Note: Parties are considered excluded when:

- § There is sufficient evidence to make a preliminary determination of potential liability under '107 of CERCLA; and
- § They have not previously reached full settlement with the government; and
- § They were not issued the UAO.

STOP here if the answer to question 5 is zero.

- 6) If parties were excluded from the UAO, please provide the reason(s) for excluding them in the chart on the next page:

Note: Agency policy provides for only several acceptable reasons for excluding PRPs from a UAO. These include:

- 1) lack of evidence of the party=s liability;
- 2) the party is financially non-viable;
- 3) the party made only a relatively minor contribution towards the site conditions (e.g., sent only a de minimis amount of waste to the site);
- 4) consideration of work that a PRP has already conducted at the site (or has agreed to conduct), especially where such work is equivalent to that PRP=s Afair share;@ and
- 5) the UAO was already being issued to a large number of PRPs and the inclusion of additional parties would have raised manageability concerns.

	Reason for Exclusion	Number of Parties Excluded due to Reason	Identify any Government entities excluded
1	Lack of evidence; litigative risks		
2	Financially non-viable		
3	Minor contribution of waste to the site		
4	Contributed A fair share@		
5	Manageability concerns		
	Other reason (please explain)		

7) Did the package presented to the Regional decision-maker identify the PRPs not receiving the UAO, and the reason(s) for their exclusion? *Note: Along with this questionnaire, please submit a copy of the excerpt from the UAO package that identifies the excluded PRP(s) and the reason(s) for exclusion, plus a copy of the cover page for the package (showing, e.g., the name of the decision-maker as the recipient of the package).*

A) If the information was not in the UAO package but instead was presented to the Regional decision-maker via a different context, then please prepare a memo to the file now and submit a copy to HQ. The memo should document the different means that were used to present this information to the decision-maker (e.g., via written briefing materials separate from the UAO package itself).

B) If there is no paperwork documenting that the decision-maker was presented with information regarding both the existence of excluded PRP(s) and the reason(s) for exclusion, please now prepare an appropriate memo to the decision-maker and submit a copy to HQ.

8) If the reason (or one of the reasons) for excluding a party(ies) was lack of financial viability, did the UAO package contain (or cross-reference) documentation for each PRP that allegedly did not have an ability to pay cleanup costs? *Note: For each PRP excluded due to financial viability, the 8/2/96 procedures call for PRP-specific documentation of financial condition.*

.....Please don't hesitate to contact Mike Northridge at (202) 564-4263 with any questions regarding this question or suggestions for improving this Reform.....\$

RUSH

REMOVAL PROGRAM
106 UNILATERAL ORDER ROUTING SLIP
(Revised August 2010)

Patterson Chemicals Site
(SITE NAME)

Please sign and check your name off this page.
Then pass the document on to the next name.

	<u>NAME</u>	<u>MAIL CODE</u>
1. ERB ENFORCEMENT SPECIALIST	<u>Carol Ropski</u>	SE-5J <i>MMB for 12/7/10</i>
2. ERB ON-SCENE COORDINATOR	<u>P.C. Lall</u>	SE-GI
3. ERB RESPONSE SECTION CHIEF I/II/III	<u>Bev Kush</u>	SE-5J <i>SE for BK 12/9/10</i>
4. ESS #1 SECRETARY	<u>Akimi Cheng</u>	SE-5J <i>" 12/8 w/ corr</i>
5. ORC STAFF ATTORNEY	<u>Larry Johnson</u>	C-14J <i>3/11/10</i>
6. ORC SECTION CHIEF	<u>Eileen Furey</u>	C-14J <i>2/12/10</i>
7. ORC MM BRANCH II CHIEF	<u>Larry Kyte</u>	C-14J <i>2/12/10</i>
8. ESS #1 SECRETARY	<u>Akimi Cheng</u>	SE-5J <i>"</i>
9. ESS #1 SECTION CHIEF	<u>Bill Messenger</u>	SE-5J <i>EW for 12/10/10</i>
10. ECAB BRANCH SECRETARY	<u>Hilda Mateer</u>	SE-5J <i>HW 12/21/10</i>
11. ERB-1/ERB-2 CHIEF	<u>Jason El-Zein</u>	SE-5J
12. ERB SECRETARY FOR LOGGING	<u>Hilda Mateer</u>	SE-5J
13. ENFORCEMENT COORDINATOR	<u>Larry Schmitt</u>	S -6J <i>LJS 12/21/10</i>
14. DOCKET CLERK	<u>Katrina Jones</u>	S -6J <i>KJ 12/27/10</i>
15. SFD DIRECTOR	<u>Rick Karl</u>	S -6J
16. Acting ECAB BRANCH CHIEF	<u>Larry Schmitt</u>	SE-5J <i>LJS 12/21/10</i>
17. RETURN TO SE-5J/EESS SECRETARY FOR MAILING TO PRPs AND DISTRIBUTION OF BCC LIST. DATE MAILED TO PRPs: <u>DEC 27 2010</u>		

RUSH

REMOVAL PROGRAM
106 UNILATERAL ORDER ROUTING SLIP
(Revised August 2010)

Patterson Chemicals Site
(SITE NAME)

Please sign and check your name off this page.
Then pass the document on to the next name.

	<u>NAME</u>	<u>MAIL CODE</u>
1. ERB ENFORCEMENT SPECIALIST	<u>Carol Ropski</u>	<u>SE-5J</u> <i>MVB for 11/14/10</i>
2. ERB ON-SCENE COORDINATOR	<u>P.C. Lall</u>	<u>SE-GI</u>
3. ERB RESPONSE SECTION CHIEF I/II/III	<u>Bev Kush</u>	<u>SE-5J</u>
4. ESS #1 SECRETARY	<u>Akimi Cheng</u>	<u>SE-5J</u>
5. ORC STAFF ATTORNEY	<u>Larry Johnson</u>	<u>C-14J</u> <i>MVB 11/19/10</i>
6. ORC SECTION CHIEF	<u>Eileen Furey</u>	<u>C-14J</u>
7. ESS #1 SECRETARY	<u>Akimi Cheng</u>	<u>SE-5J</u>
8. ESS #1 SECTION CHIEF	<u>Bill Messenger</u>	<u>SE-5J</u>
9. ECAB BRANCH SECRETARY	<u>Hilda Mateer</u>	<u>SE-5J</u>
10. ERB-1/ERB-2 CHIEF	<u>Jason El-Zein</u>	<u>SE-5J</u>
11. ERB SECRETARY FOR LOGGING	<u>Hilda Mateer</u>	<u>SE-5J</u>
12. ENFORCEMENT COORDINATOR	<u>Larry Schmitt</u>	<u>S -6J</u>
13. DOCKET CLERK	<u>Katrina Jones</u>	<u>S -6J</u>
14. SFD DIRECTOR	<u>Rick Karl</u>	<u>S -6J</u>
15. ECAB BRANCH CHIEF	<u>Michael Harris</u>	<u>SE-5J</u>
15. RETURN TO SE-5J/EESS SECRETARY FOR MAILING TO PRPs AND DISTRIBUTION OF BCC LIST. DATE MAILED TO PRPs: _____		